

PLANNING PERMIT

Permit No.:	PA2403320
Planning scheme:	Maribyrnong Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	63 Sunshine Road, West Footscray (Lot 2 on Plan of Subdivision 301910G, Volume 10006 Folio 061)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
33.01.1	Use the land for utility installation (data centre)
33.01-4	Construct a building or construct or carry out works
33.03-1	Use the land for utility installation (data centre)
33.03-4	Construct a building or construct or carry out works
43.01-1	To demolish or remove a building and to construct a building or construct or carry out works

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Amended Plans

Date of issue: 4 April 2025 **Signature for the responsible authority:**



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

3. Before the use and/or development commences, amended plans must be submitted to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and provided in a digital format. The plans must be generally in accordance with the plans prepared by Greenbox dated 20 February 2025 but modified to show:
- a) A full schedule of materials and finishes, including details of 'RSD' and any fencing to be provided.
 - b) Any changes required to comply with the amended Landscape Plan (refer condition below).
 - c) Any changes required to comply with the amended Sustainable Management Plan (refer condition below).
 - d) Any changes required to comply with the amended Stormwater Management Strategy (refer condition below).

Layout not Altered

4. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clause 62 of the Maribyrnong Planning Scheme. *NOTE: This does not obviate the need for a permit where one is required.*

Development Contributions

5. A Development Infrastructure Levy(s) in accordance with any approved Development Contributions Plan(s) which applies to the Land must be paid to the Collecting Agency prior to the grant of a building approval or the development of any buildings and works associated with the permitted development, whichever occurs first, unless the Collecting Agency agrees to a different time for payment.

Amenity

6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Harborage and/or presence of vermin

All to the satisfaction of the Responsible Authority.

7. Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication *Noise Limit and Assessment Protocol 1826.4*, or result in

Date of issue: 4 April 2025 **Signature for the responsible authority:**



unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority.

8. All external plant and equipment must be acoustically treated and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined by the EPA Victoria Publication *Noise Limit and Assessment Protocol 1826.4*, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority.
9. The exterior colour and cladding of the building must be of a non-reflective nature to the satisfaction of the Responsible Authority.

Construction Management Plan

10. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development. The "Construction Management Plan" when approved will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address:
 - the contact name and phone number(s) of the site manager,
 - bulk excavation,
 - management of the construction site,
 - land disturbance,
 - hours of construction, including program/duration of works
 - noise,
 - control of dust,
 - public safety,
 - traffic management,
 - construction vehicle road routes (with construction traffic not to use Indwe Street),
 - largest vehicle expected to the site,
 - soiling and cleaning of roadways,
 - discharge of any polluted water,
 - security fencing, disposal of site waste and any potentially contaminated materials,
 - crane locations during construction,
 - location of site offices, and onsite staff parking,
 - redirection of any above or underground services,
 - site lighting during any night works.

Landscaping and Public Realm

11. Concurrent with the submission of plans for endorsement, a Landscape and Public Realm Plan must be submitted and be to the satisfaction of both the Responsible Authority and Maribyrnong City Council. When approved, the plan will be endorsed and will then form part of

Date of issue: 4 April 2025 **Signature for the responsible authority:**



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

the permit. The landscaping and public realm plan must be generally in accordance with the landscape concept plan prepared by Urbis and dated 24 October 2024 but modified to show:

- a) A green roof;
 - b) The location of all existing vegetation to be retained and/or removed;
 - c) The location of buildings and trees on neighbouring properties within 3 metres of the boundary;
 - d) Details of surface finishes of pathways and driveways;
 - e) Details of the footpath to be constructed adjacent the development on McArthur Street;
 - f) Details of the trees to be planted within the nature strips to McArthur Street and Indwe Street; and
 - g) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
12. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping and public realm works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. Prior to occupation, a Landscape Maintenance & Management Plan must be prepared, submitted to and be to the satisfaction of the Responsible Authority and Maribyrnong City Council. The plan must outline measures to ensure the ongoing viability of the approved landscaping as per the endorsed landscaping plan must be submitted to the satisfaction of the Responsible Authority. The plan must address irrigation (passive/active), inspection, responsibilities and replacement as a minimum. The plan must also outline responsibility for planting outside the Title Boundary, including maintenance within the first two years. When approved, the Landscape Maintenance Plan & Management Plan will be endorsed and will then form part of the permit.

Tree Protection

14. Prior to commencement of the works, Tree Management Plan (TMP) must be submitted and approved by the Responsible Authority and Maribyrnong City Council. The Tree Management Plan must be completed by a suitably qualified and experienced Arborist and must identify the Tree Protection Zone, volume of Tree Protection Zone encroachment (%) and how it is intended to carry out site works with minimal impact on tree health including tree protection measures that align with AS4970 as it relates to the retained street trees to Indwe Street and any other trees on abutting land which may be impacted by the development. Once approved the TMP will be endorsed to form part of this permit and must be complied with at all times.

Date of issue: 4 April 2025 **Signature for the responsible authority:**



15. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Acoustic Report

16. Concurrent with the submission of plans for endorsement, an amended Acoustic Report must be submitted and approved by the Responsible Authority. The amended acoustic report must be generally in accordance with the acoustic report prepared by ADP Consulting and dated 1 July 2024 but updated to reflect any amendments required by conditions of the permit. Once approved, the report will be endorsed and will then form part of the permit and must be implemented and thereafter complied with at all times.

Sustainable Management Plan

17. Concurrent with the submission of plans for endorsement, an amended Sustainable Management Plan (SMP) for the building must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP prepared by ADP Consulting and dated 12 February 2025. Once approved, the report will be endorsed and will then form part of the permit. The report must show how the building meets or exceeds best practice standards (including a minimum 50% score for the four mandatory categories of water, energy, stormwater and IEQ) to the satisfaction of the Responsible Authority.

All recommendations of the approved Sustainable Management Plan must be fully implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

18. Concurrent with the submission of plans for endorsement, an amended Waste Management Plan (WMP) must be submitted and approved by the Responsible Authority. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design and dated 30 May 2024 but updated to reflect any amendments required by conditions of the permit. Once approved, the report will be endorsed and will then form part of the permit.
19. Waste management must only be carried out in accordance with the endorsed Waste Management Plan unless as otherwise agreed to in writing by the Responsible Authority and Maribyrnong City Council.

Engineering

20. Before the use commences, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be to the satisfaction of the Responsible Authority and be:
- a) Constructed;

Date of issue: 4 April 2025 **Signature for the responsible authority:**



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all weather seal coat;
- d) Drained;
- e) Line marked to indicate each car space and all access lanes; and
- f) Clearly marked to show the direction of traffic along access lanes and driveways

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- 21. Vehicular crossing(s) must be constructed and/or modified to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.
- 22. All disused or redundant vehicle crossings must be removed and the area reinstated with either/or footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.
- 23. The site must be drained to the satisfaction of the Responsible Authority. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.
- 24. Prior to the commencement of any works on the site and/or subdivision of the land, the owner must submit for approval to the Responsible Authority drainage plans to the requirements outlined in the Stormwater Discharge Permit.
- 25. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
- 26. Prior to the occupation of the development, the permit holder must construct the entire footpath along McArthur Street and works to connect to the Indwe Street footpath. Prior to commencement of works must have the written consent from Council's Engineering department and be carried out to Council's specifications. All works are to be at the cost of the owner/developer/permit holder.

WorkSafe Conditions

- 27. The applicant must seek written advice from the relevant fire authority's Dangerous Goods unit in regard to the proposed fire protection system, and the emergency management plan as required by the *Dangerous Goods (Storage & Handling) Regulations 2022*.
- 28. The applicant must consult with the relevant fire authority Dangerous Goods unit and:
 - a) Undertake a fire safety study to design a suitable fire protection system for this facility, prior to building permit approval. The finalised fire protection system must meet the requirements of the relevant fire authority.

Date of issue: 4 April 2025 **Signature for the responsible authority:**



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- b) Develop a suitable emergency management plan which includes relevant pre-incident plans.

Expiry

29. This permit will expire if one of the following circumstances applies:

- a) The development is not started within three years of the date of this permit.
b) The development is not completed within six years of the date of this permit.
c) The use does not start within two years after the completion of the development.
d) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

USEFUL INFORMATION:

- The permitted use or development may need to comply with, or obtain the following further approvals:
 - A building permit under the *Building Act 1993*.
- Development Contribution Plan Levy - For the purposes of the Development Contributions Plan Overlay Schedule 2, this property is located in the 5B charge area.
- A Stormwater Discharge Permit is required from Maribyrnong City Council's Operations and Maintenance.
- The owner shall be responsible for the loss of value or damage to Council's assets as a result of the development.
- A Council officer will contact the owner/builder to arrange a Street Asset Protection Permit, and advise of the associated Bond required to be lodged prior to commencement of work.

Note: If using a private building surveyor, a Section 80 Form must be supplied to Council's Building Surveyor to initiate the above process.

- Works Within Road Reserves (WWRR) consent from the Maribyrnong City Council is required for any work or excavation within the road reserve.
- Any work within the road reservation must be carried out to the satisfaction of the Maribyrnong City Council.
- Materials are not to be stored on the road reserve without Responsible Authority approval.

Date of issue: 4 April 2025 **Signature for the responsible authority:**



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- A Vehicle Crossing Permit is required from the Maribyrnong City Council for any new crossing prior to the commencement of works. Vehicle crossing(s) shall be constructed in accordance with the Responsible Authority's Standard Drawings, Specification and Vehicle Crossing Policy.

Date of issue: 4 April 2025 **Signature for the responsible authority:**

A handwritten signature in black ink, appearing to be a stylized name, is written over a light grey rectangular background.

Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date of issue: 4 April 2025 **Signature for the responsible authority:**

